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 Number: 06-02-10  
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 Effective Date: 11/28/2010

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to T.C.A. §4-5-205 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within thirty (30) days of the publication date of the issue of the Tennessee Administrative Register in which the proposed rules are published. To be effective, the petition must be filed with the Agency and be signed by twenty-five (25) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of twenty-five (25) or more members, or any standing committee of the General Assembly.*

<b>Agency/Board/Commission:</b>	Department of Agriculture
<b>Division:</b>	Division of Regulatory Services
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**Revision Type (check all that apply):**

- Amendments  
 New  
 Repeal

**Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/Rule Title per row)**

Chapter Number	Chapter Title
0080-02-03	Rules and Regulations Governing Movement and Handling of Livestock at Fairs and Exhibitions
Rule Number	Rule Title
0080-02-03-.01	General
0080-02-03-.02	Definitions
0080-02-03-.03	Cattle
0080-02-03-.04	Swine
0080-02-03-.05	Poultry
0080-02-03-.06	Horses and Other Equidae
0080-02-03-.07	Sheep
0080-02-03-.08	Goats
0080-02-03-.09	Camelids
0080-02-03-.10	Captive Cervidae
0080-02-03-.11	Imported Livestock and Poultry
0080-02-03-.12	Enforcement

Chapter 0080-02-03  
Rules and Regulations Governing Movement and  
Handling of Livestock at Fairs and Exhibitions

Amendments

Rule 0080-02-03-.01 General is amended by deleting the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Livestock entering fairs and exhibitions shall comply with the following, as applicable:
  - (a) Livestock entering fairs and exhibitions from within Tennessee shall be accompanied by an official certificate of veterinary inspection with official, permanent, individual identification or sufficient description to identify each animal. Certificates for this purpose shall be valid for ninety (90) days from the date of inspection for in-state animals.
  - (b) Imported livestock entering fairs and exhibitions, including poultry, shall be subject to the Tennessee import requirements found in Chapter 0080-02-01. Official certificates of veterinary inspection for imported animals are valid for thirty (30) days from date of issuance.
- (2) All stalls, pens, chutes, etc., located on the grounds of fairs and exhibitions shall be thoroughly cleaned and disinfected with a disinfectant approved by USDA - APHIS between each scheduled exhibition.
- (3) Animals showing clinical signs of an infectious or communicable disease shall not be allowed to enter or remain on the premises of fairs and exhibitions. It shall be the responsibility of the manager of such fairs and exhibitions to ensure that such animals are promptly removed from the premises.
- (4) Fair association and exhibition management shall be responsible for ensuring that each animal entered is accompanied by the documentation required by this chapter.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.02 Definitions is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) For purposes of these rules, the definitions set forth in Rule 0080-02-01-.01 of the published rules of the Department of Agriculture shall apply unless otherwise indicated herein.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.03 Cattle is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Cattle entering fairs and exhibitions from within Tennessee shall be accompanied by an official certificate of veterinary inspection with official, permanent, individual identification or sufficient description to identify each animal.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.04 Swine is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Swine entering fairs and exhibitions from within Tennessee shall be accompanied by an official certificate of veterinary inspection with official, permanent, individual identification or sufficient description to identify each animal.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.05 Poultry is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Sponsors of poultry fairs and exhibitions shall notify the Department of Agriculture at least thirty (30) days prior to such show or exhibition.
- (2) Poultry at fairs and exhibitions are subject to surveillance testing for Pullorum-typhoid, avian influenza, Exotic Newcastle Disease or other poultry diseases, as determined by the state veterinarian.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.06 Horses and Other Equidae is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) When entering fairs and exhibitions, horses and other Equidae, except foals less than six (6) months of age in the company of their EIA-negative dams, shall have evidence of having tested negative for Equine Infectious Anemia within the preceding twelve (12) months.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.07 Sheep is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) All sheep entering fairs and exhibitions, including wethers, shall have an official certificate of veterinary inspection as provided in Rule 0080-02-03-.01 (1), and shall be officially, permanently identified by a method set forth in 9 C.F.R. 79.1-79.4.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.08 Goats is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) All goats entering fairs and exhibitions, including wethers, shall have an official certificate of veterinary inspection as provided in Rule 0080-02-03-.01 (1), and shall be officially, permanently identified by a method set forth in 9 C.F.R. 79.1-79.4.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.09 Camelids is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Camelids entering fairs and exhibitions shall have an official certificate of veterinary inspection as provided in Rule 0080-02-03-.01 (1).

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.10 Captive Cervidae is amended by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Captive Cervidae entering fairs and exhibitions from within Tennessee shall have an official certificate of veterinary inspection as provided by Rule 0080-02-03-.01 (1).

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.11 Imported Livestock and Poultry is amended by deleting the rule in its entirety.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Rule 0080-02-03-.12 Enforcement is amended by renumbering the rule as 0080-02-03-.11, and by deleting the language of the rule in its entirety and substituting instead the following language so that, as amended, the rule shall read:

- (1) Fair association and exhibition management shall inform exhibitors of the rules of this chapter, and shall notify the state veterinarian or his agent of any violation. Exhibitors shall present evidence of compliance with this chapter to the state veterinarian or his agent upon request.
- (2) These rules and regulations in no way restrict fairs and exhibitions from establishing additional or more stringent health requirements.
- (3) Persons involved with the movement and handling of domestic animals, including poultry, at fairs and exhibitions shall submit records for inspection and copies of documents immediately upon the request of the commissioner or his agent.
- (4) Fair association and exhibition management shall not permit the exhibition, sale, or offering for sale of animals not accompanied by the documentation required by this chapter.
- (5) It is a violation of this chapter to knowingly exhibit, sell, or offer for sale any animal with a transmissible disease.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

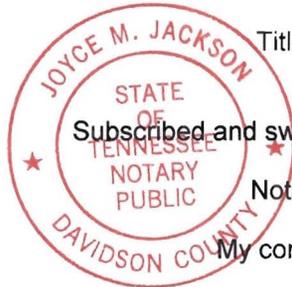
I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Department of Agriculture on March 25, 2010 and is in compliance with the provisions of TCA 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of thirty (30) days after the publication date of the issue of the Tennessee Administrative Register in which these proposed rules are published.

Date: March 25, 2010

Signature: \_\_\_\_\_

Name of Officer: Terry J. Oliver

Title of Officer: Deputy Commissioner, Department of Agriculture



Subscribed and sworn to before me on: March 25, 2010

Notary Public Signature: \_\_\_\_\_

My commission expires on: September 8, 2013

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.  
Attorney General and Reporter

5-21-10

Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

6/3/10

Effective on: \_\_\_\_\_

11/28/10

Tre Hargett

Tre Hargett  
Secretary of State

## Regulatory Flexibility Addendum

Pursuant to Public Chapter 464 of the 105<sup>th</sup> General Assembly, prior to initiating the rule making process as described in § 4-5-202(a)(3) and § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

- (1) Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

The proposed amendments will affect mostly fairs and livestock exhibitors.

- (2) Identification and estimate of the number of small businesses subject to the proposed rule:

There are approximately 60 fairs and hundreds of livestock exhibitors in Tennessee.

- (3) Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

Costs associated with the proposed amendments would be negligible.

- (4) Statement of the probable effect on impacted small businesses and consumers:

The proposed amendments will clarify existing Department rules and bolster disease control safeguards to protect the health of Tennessee's livestock, and especially the commercial livestock industry, against regulated infectious diseases. Consumers would not be adversely affected, but would benefit from the added livestock protections.

- (5) Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

There are no less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed amendments.

- (6) Comparison of the proposed rule with any federal or state counterparts:

The proposed amendments are similar to the rules covering fairs and exhibitions in other states and consistent with federal animal identification and interstate transportation requirements.

- (7) Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Exempting small businesses from the proposed amendments would render them pointless, and would increase the risk posed to Tennessee livestock and the commercial livestock industry by regulated infectious diseases.

## Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed amendment to Rule 0080-02-03-.01 would clarify the existing rule by specifying that the animal identification required for imported animals at fairs must be official identification. In addition, language was added to clarify that fair managers are responsible for inspecting animal certificates of veterinary inspection and test documents.

Rule 0080-02-03-.05 has been amended to relax the pullorum-typhoid test requirement for in-state poultry. The reason for the change is that the disease has not occurred in Tennessee or surrounding states for a number of years. In addition, Rule 0080-02-03-.05 has been amended to allow surveillance testing of all fair and exhibition poultry for pullorum-typhoid, avian influenza, Exotic Newcastle Disease, or other poultry diseases as determined by the Tennessee State Veterinarian. Surveillance testing, which consists of conducting tests on a given sample of a population, has been shown to be very effective in preventing the spread of infectious diseases.

Finally, Rule 0080-02-03-.06 (1) has been amended to include the language "except foals less than six (6) months of age in the company of their EIA-negative dams." By adding this language, the rule would be made consistent with the change of ownership rules for Equidae in Chapter 0080-02-10.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

There is no federal law or regulation or state law or regulation mandating the promulgation of, or establishing guidelines for, the proposed amendments.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The proposed amendments would most directly affect fairs and livestock exhibitors. Such persons or organizations would likely urge adoption of these amendments, because they relax the pullorum-typhoid testing requirements and clarify existing regulations.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no attorney general opinions or judicial rulings that directly relate to the proposed amendments.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There will be no change in state and local government revenues. The State will have reduced expenditures resulting from the promulgation of the proposed amendments, because it will not have to conduct pullorum-typhoid tests, except for surveillance purposes. This assumption and reasoning is based on the facts that the new rule does not require industry to pay the State anything, and will cost the State less money to implement.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Dr. Charles Hatcher, State Veterinarian, Tennessee Department of Agriculture

**(G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Dr. Charles Hatcher, State Veterinarian, Tennessee Department of Agriculture

**(H)** Office address and telephone number of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Dr. Charles Hatcher, State Veterinarian  
Tennessee Department of Agriculture  
440 Hogan Road  
Nashville, Tennessee 37220  
Phone: (615) 837-5120

**(I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

The Department has not received a request for additional information.

**RULES  
OF  
TENNESSEE DEPARTMENT OF AGRICULTURE  
DIVISION OF REGULATORY SERVICES**

**CHAPTER 0080-2-3  
RULES AND REGULATIONS GOVERNING MOVEMENT AND HANDLING  
OF LIVESTOCK AT FAIRS AND EXHIBITIONS**

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**0080-2-3-.01 GENERAL.**

- (1) Livestock entering fairs and exhibitions shall comply with the following, as applicable:
  - (a) All livestock which entering fairs and exhibitions from within Tennessee shall be accompanied by an official ~~veterinary health~~ certificate of veterinary inspection with ~~individual official~~ permanent, individual identification or sufficient description to identify each animal. Certificates for this purpose shall be valid for ninety (90) days from the date of ~~issue~~ inspection for in-state animals.
  - (b) Imported livestock entering fairs and exhibitions, including poultry, shall be subject to the Tennessee import requirements found in Chapter 0080-2-1. Official certificates of veterinary inspection for imported animals are valid for thirty (30) days from date of issuance.
- (2) All stalls, pens, chutes, etc., located on the grounds of fairs and exhibitions shall be thoroughly cleaned and disinfected with a disinfectant approved by USDA, APHIS between each scheduled fair or exhibition.
- (3) No animals showing clinical signs of an infectious or communicable disease shall not be allowed to enter or remain on the premises of fair or exhibitions. It shall be the responsibility of the manager of each event such fairs and exhibitions to ensure that prompt removal of such animals are promptly removed from the premises.
- (4) Fair association or exhibition management shall be responsible for ensuring that each animal entered is accompanied by the documentation required by this chapter.

*Authority:* T.C.A. §§44-2-102 and 4-3-203. *Administrative History:* Original Rule certified June 5, 1974.

*Amendment filed September 22, 1976; effective October 22, 1976. Amendment filed August 29, 1978; effective October 13, 1978. Amendment filed August 11, 1982; effective November 15, 1982. Repeal and new rule filed November 16, 2005; effective March 30, 2006.*

**0080-2-3-.02 DEFINITIONS.**

- (1) For the purposes of these Rules, the ~~“Definitions”~~ outlined set forth in Chapter-Rule 0080-02-01-.01 of the Published Rules of the Department of Agriculture shall apply unless otherwise indicated herein.

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule cited June 5, 1974. Amendment filed August 29, 1978; effective October 13, 1978. Amendment filed August 11, 1982; effective November 15, 1982. Amendment filed September 17, 1998; effective January 28, 1999. Repeal and new rule filed November 16, 2005; effective March 30, 2006.

#### 0080-2-3-.03 CATTLE.

- (1) ~~All c~~Cattle ~~which entering~~ fairs and exhibitions ~~from within Tennessee~~ shall be accompanied by an official ~~veterinary health~~-certificate ~~of veterinary inspection~~ with official, ~~permanent~~, individual ~~permanent~~ identification or sufficient description to identify each animal.

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule certified June 5, 1974. Amendment filed September 22, 1976; effective October 22, 1976. Amendment filed August 29, 1978; effective October 13, 1978. Amendment filed August 11, 1982; effective November 15, 1982. Repeal and new rule filed November 16, 2005; effective March 30, 2006.

#### 0080-2-3-.04 SWINE.

- (1) ~~All s~~Swine ~~which entering~~ fairs and exhibitions ~~from within Tennessee~~ shall be accompanied by an official ~~veterinary health~~-certificate ~~of veterinary inspection~~ with official, ~~individual~~ permanent, ~~individual~~ identification or sufficient description to identify each animal.

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original Rule certified June 5, 1974. Amendment filed September 22, 1976; effective October 22, 1976. Amendment filed August 29, 1978; effective October 13, 1978. Amendment filed August 11, 1982; effective November 15, 1982. Repeal and new rule filed November 16, 2005; effective March 30, 2006.

#### 0080-2-3-.05 POULTRY.

- (1) Sponsors of poultry ~~shows or fairs and~~ exhibitions shall notify the ~~Tennessee~~-Department of Agriculture at least thirty (30) days prior to such show or exhibition.
- (2) ~~All p~~Poultry ~~assembled at shows fairs and or~~ exhibitions ~~shall be accompanied by evidence of a negative test within ninety (90) days for~~ subject to surveillance testing for ~~Pullorum-Typhoid, avian influenza, Exotic Newcastle Disease, or other poultry diseases, as determined by the state veterinarian or shall originate directly from a flock which has been certified as Pullorum-Typhoid clean under the Tennessee Poultry Improvement Plan.~~
- (3) ~~Poultry found not to be in apparent good health shall be removed immediately from any show or exhibition.~~

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original Rule filed September 22, 1976; effective October 22, 1976. Amendment filed August 29, 1978; effective October 13, 1978. Amendment filed August 11, 1982; effective November 15, 1982. Amendment filed September 17, 1998; effective January 28, 1999. Repeal and new rule filed November 16, 2005; effective March 30, 2006.

#### 0080-2-3-.06 HORSES AND OTHER EQUIDAE.

- (1) ~~When entering fairs and exhibitions, H~~orses and other Equidae, ~~six (6) months of age and older which enter fairs and exhibitions must except foals less than six (6) months of age in the company of their EIA-negative dams, shall have evidence of having tested negative a negative for~~ Equine Infectious Anemia ~~test~~ within the preceding twelve (12) months.

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original Rule filed August 29, 1978; effective October 13, 1978. Amendment filed August 11, 1982; effective November 15, 1982. Repeal and new rule filed

November 16, 2005; effective March 30, 2006.

**0080-2-3-.07 SHEEP.**

- (1) ~~All Ssheep which entering~~ fairs and exhibitions, ~~including wethers, shall must~~ have an official certificate of veterinary health-certificate-inspection as provided in Rule 0080-2-3-.01 (1), and ~~shall be officially, permanently identified by a method set forth in meet the requirements of the National Scrapie Identification Program-9 C.F.R. 79.1-79.4.~~

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule filed November 16, 2005; effective March 30, 2006.

**0080-2-3-.08 GOATS.**

- (1) ~~All Ggoats which entering~~ fairs and exhibitions, ~~including wethers, must-shall~~ have an official veterinary health-certificate of veterinary inspection as provided ~~in-by~~ Rule 0080-02-03-.01(1), and ~~shall be meet the requirements of the National Scrapie Identification Programofficially, permanently identified by a method set forth in 9 C.F.R. 79.1-79.4.~~

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule filed November 16, 2005; effective March 30, 2006.

**0080-2-3-.09 CAMELIDS.**

- (1) Camelids ~~which entering~~ fairs and exhibitions ~~must-shall~~ have an official certificate of veterinary inspection health-certificate as provided in Rule 0080-02-03-.01(1).

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule filed November 16, 2005; effective March 30, 2006.

**0080-2-3-.10 CAPTIVE CERVIDAE.**

- (1) Captive Cervidae ~~which entering~~ fairs and exhibitions ~~must from within Tennessee shall~~ have an official certificate of veterinary health-certificateinspection as provided ~~in-by~~ Rule 0080-02-03-.01(1).

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule filed November 16, 2005; effective March 30, 2006.

~~**0080-2-3-.11 IMPORTED LIVESTOCK AND POULTRY.**~~

- ~~(1) Domestic animals entering fairs and exhibitions from areas outside the State of Tennessee shall be subject to current Tennessee import requirements found in Chapter 0080-2-1 and any emergency rules in effect at the time which can be found on the Tennessee Department of Agriculture website at [www.state.tn.us/agriculture](http://www.state.tn.us/agriculture)~~

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule filed November 16, 2005; effective March 30, 2006.

**0080-2-3-.12-11 ENFORCEMENT.**

- (1) Fair association ~~or and~~ exhibition management shall inform exhibitors of the rules of this chapter, and shall notify the ~~S~~state ~~V~~veterinarian or his agent of any violation. Exhibitors shall present evidence of compliance with this chapter to the ~~S~~state ~~V~~veterinarian or his agent upon request.
- (2) These ~~R~~rules and ~~R~~regulations in no way restrict fairs and exhibitions from establishing additional or

more stringent health requirements.

- (3) Persons ~~dealing involved~~ with the movement and handling of domestic animals, including poultry, at fairs and exhibitions shall submit records for inspection and copies of documents immediately upon the request of the ~~C~~commissioner or his agent.
- (4) Fair association and exhibition management shall not permit the exhibition, sale, or offering for sale of animals not accompanied by the documentation required by this chapter.
- (5) It is a violation of this chapter to knowingly exhibit, sell, or offer for sale any animal with a transmissible disease.

**Authority:** T.C.A. §§4-3-203 and 44-2-102. **Administrative History:** Original rule filed November 16, 2005; effective March 30, 2006.